



~~September 16, 2003 CPC~~  
October 22, 2003 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0246

Wal-Mart Stores East, L.P.

Midlothian Magisterial District  
North line of Midlothian Turnpike

REQUEST: Rezoning from Agricultural (A), Corporate Office (O-2) and Community Business (C-3) to Community Business (C-3) and to Light Industrial (I-1) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Community Commercial (C-3) and Light Industrial (I-1) uses are proposed, except as limited by proffered conditions. Setback and use exceptions are requested for the proposed I-1 portion of the project.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 11.

AYES: MESSERS. LITTON, CUNNINGHAM AND STACK.

ABSTENTION: MR. GULLEY.

ABSENT: MR. GECKER.

## STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land use do not conform with the Midlothian Area Community Plan and the Northern Area Plan which suggest that the northern and eastern portions of the property are appropriate for medium density residential of 1.51 to 4.0 units per acre, while the western portion of the property is appropriate for office, medium density housing (7 to 14 units/acre), personal services and community facilities uses.
- B. The requested setback exceptions for the Light Industrial portion of the project in combination with minimal buffering, fail to provide appropriate land use transitions to the adjacent residential and agricultural properties to the north and east that will ensure protection of the surrounding residential developments.

(NOTE: WITHIN THE C-3 PORTION OF THIS REQUEST, THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. WITHIN THE I-1 PORTION OF THIS REQUEST, CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

## PROFFERED CONDITIONS

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 735-708-1144, 734-709-8509, 734-709-8833, 734-709-6871, 736-708-1856 (part), 735-710-0007, 735-709-0665, 735-710-3714 and 735-710-7620 containing a total of 56.9 acres (the "Property") consisting of (i) 5.4 acres shown on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A") as "Sam's Club Property" (the "Sam's Club Property"), (ii) 26.5 acres shown on Zoning Exhibit A as "Wal-Mart Property" (the "Wal-Mart Property"), (iii) 11.9 acres shown on Zoning Exhibit A as "Office/Service Property" (the "Office/Service Property") and (iv) 13.1 acres shown on Zoning Exhibit A as "Stigall Property" (the "Stigall Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property for retail and industrial uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or

effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

(CPC) 1. Uses. No portion of the Wal-Mart Property or the Sam's Club Property shall be used for any of the following:

- (a) Cocktail lounges and nightclubs
- (b) Hospitals
- (c) Hotels
- (d) Flea markets
- (e) Free-standing fast food restaurants.
- (f) Any use with drive-in or drive-through facilities.
- (g) Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
- (h) Coin operated dry cleaning, laundry and Laundromats.
- (i) Park and ride lots.
- (j) Secondhand and consignment stores.
- (k) Commercial kennels.
- (l) Residential multifamily and townhouses.
- (m) Outside storage of construction equipment/materials.
- (n) Outside runs for veterinary hospitals.
- (o) Massage clinics except when located within a health club, tanning salon or similar facility.
- (p) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis. (P)

(CPC) 2. Uses. No portion of the Office/Service Property or the Stigall Property shall be used for any of the following:

- (a) Bakery products manufacturing.
- (b) Paper recycling.
- (c) Umbrellas, parasols and canes manufacturing.
- (d) Converting paper to paperboard products, paperboard containers and boxes.
- (e) Dry cleaning plants.
- (f) Fur dressing and dyeing.
- (g) Linoleum, asphalt-feltbase and other hard surface floor cover manufacturing.
- (h) Park and ride lots.
- (i) Rectifying and blending liquors.
- (j) Rental of heavy construction machinery.
- (k) Wine, brandy and brandy spirits manufacturing. (P)

- (CPC) 3. Architecture. In the event the existing building located on the Wal-Mart Property is expanded, the exterior architectural design for the building shall be generally consistent with the architectural elevations dated June 17, 2003, prepared by PBA Architects, entitled "Midlothian, Virginia, Supercenter Expansion #1969 (the "Architectural Plans"). (P)
- (CPC) 4. Building Heights.
- (a) Buildings on the Office/Service Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height.
  - (b) Buildings on the Stigall Property shall have a maximum of two (2) stories and shall not exceed thirty (30) feet in height. (P)
- (CPC) 5. Building and Parking Area Locations. Buildings and parking areas on the Property shall be subject to the following limitations:
- (a) No building on the Wal-Mart Property shall extend north of the area shown on Zoning Exhibit A as "Permitted Building Area" which area extends five hundred fifty (550) feet north of the right of way of U.S. Route 60.
  - (b) No building, parking or driveways shall extend west of the line shown on Zoning Exhibit A as "Building, Parking and Driveway Setback", which line is further defined by metes and bounds on the plat dated July 16, 2003, prepared by Koontz-Bryant, P.C., entitled "Compiled Plat Showing A Proposed Building, Parking and Driveway Setback On A Parcel Of Land Lying On The North Line Of Midlothian Turnpike, U.S. Route 60". (P)
- (CPC) 6. Upgrade of Site Lighting. In the event the existing building located on the Wal-Mart Property is expanded by more than 20,000 square feet of building area, (i) site lighting, including poles and fixtures, shall be modified to conform with the then applicable development conditions as set forth in the Zoning Ordinance, which modifications shall be completed prior to the issuance of an occupancy permit for the expanded building area and (ii) any building mounted lighting shall be limited to "wall pack" light fixtures. (P)
- (CPC) 7. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)

(CPC)

8. Landscaping.

- (a) The western boundary of the Wal-Mart Property shall be landscaped, including the installation of fencing, in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Western Boundary Conceptual Landscape Plan" (the "Western Boundary Landscape Plan"). Adjustments to the Western Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review, provided that no such modification shall materially alter or reduce the overall effect provided by the Western Boundary Landscape Plan. In the event parking serving the Wal-Mart Property extends onto the Office/Service Property, the western boundary of such parking area shall be landscaped in a manner consistent with the landscaping shown on the Western Boundary Landscape Plan adjacent to the parking areas on the northern portion of the Wal-Mart Property. If acceptable to the holder of the electric transmission easement crossing the property, a variety of evergreen trees shall be substituted for the wax myrtles shown on the Western Boundary Landscape Plan within the area of the transmission easement.
- (b) The southern boundary of the Wal-Mart Property shall be landscaped in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Route 60 Boundary Conceptual Landscape Plan" (the "Route 60 Boundary Landscape Plan"). Adjustments to the Route 60 Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review, provided that no such modification shall materially alter or reduce the overall effect provided by the Route 60 Boundary Landscape Plan.
- (c) The eastern boundary of the Wal-Mart Property shall be landscaped in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Eastern Boundary Conceptual Landscape Plan" (the "Eastern Boundary Landscape Plan"); provided, however, Zelcova trees shall be substituted for the Bradford celery pear trees shown on the Eastern Boundary Landscape Plan. Adjustments to the Eastern Boundary Landscape Plan, including adjustments for conflicts with utilities, may be

made in conjunction with site plan review provided that no such modification shall materially alter or reduce the overall effect provided by the Eastern Boundary Landscape Plan. (P)

- (CPC) 9. Tree Preservation. No trees with a caliper of greater than four (4) inches shall be removed from any of the areas shown on the Western Boundary Landscape Plan as "Tree Preservation Area" or within applicable building and parking setbacks along the western boundary of the Office/Service Property adjacent to Falling Creek or within the thirty (30) foot wide area measured from (i) the existing boundary of the Office/Service Property adjacent to Old Buckingham Road and (ii) the ultimate right of way for Old Buckingham Road adjacent to the Stigall Property as described in proffer 12(b); provided, however, this proffer shall not restrict the removal of dead or diseased materials or as may be required for the extension of utilities provided that such utility extensions shall occur generally perpendicular through the tree preservation area. (P)
- (CPC) 10. Water and Wastewater. Public water and wastewater systems shall be used. (U)
- (CPC) 11. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (CPC) 12. Transportation.
- (a) Access to Old Buckingham Road. There shall be no direct access to or from the Property to Old Buckingham Road.
- (b) Right of Way for Old Buckingham Road. Prior to the issuance of any building permit for the Stigall Property, thirty-five (35) feet of right of way on the south side of Old Buckingham Road, measured from the centerline of that part of Old Buckingham Road immediately adjacent to the Stigall Property shall be dedicated, free and unrestricted (but subject to recorded easements), to and for the benefit of Chesterfield County.

(c) Access Road to Office/Service Property and Wal-Mart Property.

- (i) Prior to any final site plan approval for any development on the Office/Service Property or the Wal-Mart Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from the existing terminus of WalMart Way shown as "Point A" on Zoning Exhibit A ("Point A") to a point which is approximately two hundred fifty (250) feet north of the southernmost boundary of the Stigall Property shown as "Point B" on Zoning Exhibit A ("Point B"), including right of way across the parcels identified as Tax IDs 735-708-1144, 734-709-8833, 735-709-5944, and 735-709-0665, as applicable, all as shown conceptually on Zoning Exhibit A (the "Western Special Access Street"), shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Western Special Access Street shall be approved by the Transportation Department.

- (ii) Prior to issuance of an occupancy permit for any development on the Office/Service Property other than as part of the parking area for the Wal-Mart Property as identified in the Textual Statement, the Western Special Access Street from Point A to Point B shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.

(d) Access Road to Stigall Property.

- (i) Prior to any final site plan approval for any development on the Stigall Property north of Point B, a fifty (50) foot wide right of way for the Western Special Access Street and for the extension of the Western Special Access Street as a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from Point B to the

western boundary of Tax ID 736-709-3667 shown conceptually as "Point C" on Zoning Exhibit A ("Point C"), including right of way across the parcel identified as Tax ID 735-709-5944, as applicable, all as shown conceptually on Zoning Exhibit A (the "Western Special Access Street Extension"), shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Western Special Access Street and the Western Special Access Street Extension shall be approved by the Transportation Department.

- (ii) Prior to issuance of an occupancy permit for any development on the Stigall Property north of Point B, the Western Special Access Street from Point A to Point B and the Western Special Access Street Extension from Point B to Point C shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.
- (e) Access Easement to Adjacent Property. Prior to any site plan approval on the Stigall Property north of Point B, an access easement, acceptable to the Transportation Department, shall be recorded across the Stigall Property and/or across the parcel identified as Tax ID 735-709-5944, from the Western Special Access Street Extension to the parcel identified as Tax ID 736-710-0625, at a location acceptable to the Transportation Department. The recorded access easement shall include a condition that the easement may not be used by any portion of the parcel identified as Tax ID 736-710-0625 which uses Old Buckingham Road for access, it being the intention that no traffic from Old Buckingham Road shall be allowed to travel from Old Buckingham Road to the Western Special Access Street Extension.
- (f) Access Road to Sam's Club Property.
  - (i) Prior to any final site plan approval for any development on the Sam's Club Property, a fifty

(50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" on Zoning Exhibit A ("Point D") to the common boundary line between the Sam's Club Property and the parcel identified as Tax ID 735-709-8503 shown as "Point E" on Zoning Exhibit A ("Point E"), all as shown conceptually on Zoning Exhibit A (the "Eastern Special Access Street"), shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Eastern Special Access Street shall be approved by the Transportation Department.

- (ii) Prior to issuance of an occupancy permit for any development on the Sam's Club Property, the Eastern Special Access Street from Point D to Point E shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.

- (g) Access from U.S. Route 60. Direct access from the Wal-Mart Property to Route 60 shall be limited to one (1) point of access at substantially the same location as the existing point of access as generally shown on Zoning Exhibit A. If relocated from its existing location, the exact location of the access shall be approved by the Transportation Department.

(h) Maximum Densities.

- (i) Development on the Office/Service Property shall not exceed 40,000 gross square feet of business park uses or equivalent traffic density as determined by the Transportation Department consistent with the May, 2003 Revised Traffic Impact Analysis Report for the Wal-Mart Retail Center Expansion prepared by Ramey Kemp & Associates of Richmond, Inc. (the "Traffic Analysis").

- (ii) Development on the Wal-Mart Property shall not exceed 212,428 gross square feet of shopping center uses, exclusive of outside display/storage/service areas that are not covered or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
- (iii) Development on the Sam's Club Property shall not exceed a gasoline/service station with 12 fueling stations and including a car wash facility or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
- (iv) Development on the Stigall Property shall not exceed 104,800 gross square feet of business park uses or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
- (v) Notwithstanding the foregoing, with the agreement of the applicable property owners and the approval of the Transportation Department, density on any of the Office/Service Property or the Stigall Property may be transferred to other portions of the Office/Service Property or the Stigall Property and density on any of the Wal-Mart Property or the Sam's Club Property may be transferred to other portions of the Wal-Mart Property or the Sam's Club Property. Density transfer(s) shall be based on equivalent traffic generation as determined by the Transportation Department. (T)

(CPC) 13. In conjunction with the approval of this request, the Textual Statement dated July 14, 2003, last revised September 15, 2003 shall be approved. (P)

(CPC) 14. Cash Proffer. To mitigate the impact of development, prior to final site plan approval for any development on the Wal-Mart Property, the applicant or its assignee(s) shall pay \$340,000 to the County for improvements to the area located within the boundaries of the Midlothian Area Community Plan which may include, but not necessarily be limited to, traffic signalization, streetscape improvements or acquisition of property or development rights to protect the entrance into the Village of Midlothian. Notwithstanding the foregoing, in the event application for approval of a site plan for development on the Wal-Mart Property

generally consistent with the approved zoning is not submitted to the County within six (6) months from the date of rezoning approval or thereafter diligently pursued in good faith to a final decision, such payment shall become due and payable thirty (30) days after written request from the County to the applicant or its assignee(s). In the event the funds paid are not used for such purposes within fifteen (15) years of receipt by the County, any unused funds shall be returned to the payor. (P & BM)

### GENERAL INFORMATION

#### Location:

North line of Midlothian Turnpike, east and west of Wal-Mart Way. Tax IDs 734-709-6871, 8509 and 8833, 735-708-1144, 735-709-0665, 735-710-0007, 3714 and 7620 and 736-708-Part of 1856 (Sheet 6).

#### Existing Zoning:

A, O-2 and C-3

#### Size:

56.9 acres

#### Existing Land Use:

Commercial or vacant

#### Adjacent Zoning and Land Use:

North - A, R-12, R-15 and O-2 with Conditional Use; Single family residential, vacant or public/semi-public (electric substation or communications tower)

South - A, R-MF, O-2 and C-3 with Conditional Use Planned Development; vacant

East - A and R-15; Vacant or single family residential

West - R-7; Single family residential or vacant

## UTILITIES

### Public Water System:

There is an existing twelve (12) inch water line extending along Wal-Mart way adjacent to the request site. Use of the public water system is intended. (Proffered Condition 10)

### Public Wastewater System:

There is an existing twenty-seven (27) inch wastewater trunk line along Falling Creek, adjacent to the request site. In addition, the existing Wal-Mart center is connected to an eight (8) inch wastewater collector line that extends across the western portion of this site and continues south along Wal-Mart Way and east along Midlothian Turnpike. Use of the public wastewater system is intended. (Proffered Condition 10)

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains west directly into Falling Creek and eventually to James River. There are currently no on- or off-site drainage or erosion problems with none anticipated after development. A portion of the property is wooded and should not be timbered without first obtaining a land disturbance permit. This will ensure that proper erosion control measures are in place prior to any timbering. (Proffered Condition 11)

### Water Quality:

The western property line of the parcel follows Falling Creek, which is a perennial stream and subject to a 100 foot conservation area (Resource Protection Area). Wetlands are also located along the western property line.

## PUBLIC FACILITIES

### Fire Service:

The Midlothian Fire Station, Company Number 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have minimal impact on these services.

### Transportation:

The property, consisting of approximately fifty-seven (57) acres, is currently zoned Agricultural (A) on approximately twenty-six (26) acres, Corporate Office (O-2) on approximately three (3) acres, and Community Business (C-3) on approximately twenty-eight (28) acres. The applicant is requesting rezoning to C-3 on approximately thirty-two (32) acres and Light Industrial (I-1) on twenty-five (25) acres.

The applicant has submitted a map ("Zoning Exhibit A") that subdivides the property into four (4) tracts: the Wal-Mart Property (26.5 acres), the Office/Service Property (11.9 acres), the Stigall Property (13.1 acres), and the Sam's Club Property (5.4 acres). Zoning Exhibit A also depicts a conceptual loop road (the "Special Access Street") extending from Wal-Mart Way through the property and through several adjacent parcels. The purpose of the Special Access Street is to provide access to all the area properties generally bounded by Midlothian Turnpike (Route 60) to the south, Falling Creek to the west, Old Buckingham Road to the north, and Olde Coach Village Subdivision to the east ("the Area").

In accordance with the Development Standards Manual in the Zoning Ordinance, a traffic analysis is necessary to assist in evaluating the impact of a development of this magnitude. The applicant submitted a traffic study, which satisfies the Transportation Department requirements for an analysis of the Area's traffic at anticipated build-out. The applicant has proffered a maximum density on the property, consistent with the density analyzed in the traffic study (Proffered Condition 12.h.). The applicant proposes developing 212,428 square feet of retail (Note: this density includes the current 117,258 square foot store) on the Wal-Mart Property, 40,000 square feet of business park uses on the Office/Service Property, 104,800 square feet of business park uses on the Stigall Property, and a gasoline/service station with twelve (12) fueling stations plus a car wash on the Sam's Club Property. Proffered Condition 12.h. would allow development of other equivalent traffic generators. The proffer would allow the density identified for the office/service property and Stigall property to be transferred between those properties and the density identified for the Wal-Mart property and the Sam's Club property to be transferred between those properties.

The major development within the Area consists of a 117,258 square foot Wal-Mart store and a 134,020 square foot Sam's Club store. In conjunction with these developments an additional lane of pavement along Route 60 for their property frontage and intersection improvements at Wal-Mart Way/Route 60 were provided. It is anticipated that the proposed expansion of the Wal-Mart store and the other new development in the Area could generate approximately 8,365 average daily trips. These vehicles will be distributed along Route 60, which had a 2001 traffic count of 42,085 vehicles per day. Traffic volumes along sections of

Route 60 exceed its capacity, and drivers experience congestion especially during peak periods. Route 60 from Courthouse Road to Old Buckingham Road should be widened to six (6) lanes, and is identified as a priority on the Board of Supervisors' list of highway needs. No funds are included in the Virginia Department of Transportation Six-Year Improvement Program for this improvement.

The Thoroughfare Plan identifies Old Buckingham Road as a collector with a recommended right of way width of seventy (70) feet. The applicant has proffered to dedicate thirty-five (35) feet of right of way along the Stigall Property, measured from the centerline of Old Buckingham Road, in accordance with that Plan. (Proffered Condition 12.b.)

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). The Thoroughfare Plan identifies Route 60 as a major arterial. Access to major arterials and collectors, such as Route 60 and Old Buckingham Road, should be controlled. The applicant has proffered that direct access from the Wal-Mart Property to Route 60 will be limited to the one (1) existing entrance/exit (Proffered Condition 12.g.). This proffer does not preclude the property from accessing Route 60 via Wal-Mart Way. The applicant has also proffered that no direct access will be provided from the property to Old Buckingham Road. (Proffered Condition 12.a.)

As previously stated, Zoning Exhibit A shows the proposed Special Access Street from Wal-Mart Way looping through the property and through several adjacent parcels. The applicant has proffered to dedicate a fifty (50) foot wide right of way and build sections of the Special Access Street with each tract that is developed (Proffered Conditions 12.c., d. and f.). As proffered, it may be necessary for the developer to acquire right of way from one or more of the adjacent parcels. The specific sections of the Special Access Street that will be constructed are identified on the Zoning Exhibit A and referenced by Points A, B, C, D and E. The entire loop road will not be provided (i.e., the section between Points C and E) with this development. In conjunction with the development of the Wal-Mart Property and the Office/Service Property, the Special Access Street will be dedicated and constructed from Point A to Point B. In conjunction with the development of the Stigall Property, the Special Access Street will be dedicated and constructed from Point A to Point C. In conjunction with the development of the Sam's Club Property, the Special Access Street will be dedicated and constructed from Point D to Point E.

An undeveloped parcel, which fronts along Old Buckingham Road, is located on the east side of the Stigall Property. The applicant has proffered to record an access easement from the Special Access Street to that adjacent parcel (Proffered Condition 12.e.). The proffer requires that the access easement include a condition

that the easement cannot be used if access for that adjacent parcel is also provided to Old Buckingham Road. This requirement would not allow traffic to travel from Old Buckingham Road to the Special Access Street.

Transit service along Route 60 could be in demand in the future. Staff recommends that in the event public transportation is ever provided in the area, a parking area would be provided for the pickup and discharge of passengers. The applicant's representative has indicated that due to development constraints, the applicant is unwilling to commit a parking area for this use.

At the time of site plan review, specific recommendations will be made regarding access and internal circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Midlothian Area Community Plan and the Northern Area Plan which suggest the south-central portion of the property adjacent to Midlothian Turnpike is appropriate for retail and office/service uses (Suburban Commercial District); the northern and eastern portions of the property adjacent to Old Buckingham Road and Olde Coach Village are appropriate for medium density residential of 1.51 to 4.0 units per acre; and the western portion of the property adjacent to Millstone Creek Subdivision is appropriate for office, medium density housing (7 to 14 units/acre), personal services and community facilities uses (Planned Transition Area). (Reference attached "Compiled Land Use Plan").

One of the goals of both the Northern Area Plan and the Midlothian Area Community Plan is to address land use transitions to ensure protection of the surrounding residential developments. This transition would promote decreasing land use intensities in and around the Suburban Commercial District, thereby minimizing traffic and other impacts upon surrounding neighborhoods and encouraging compatibility in scale and quality of design.

### Area Development Trends:

Properties to the east and west of the request site are zoned residentially and are developed as the Olde Coach Village and Millstone Creek Subdivisions. Properties to the south are either developed for commercial use (Sam's Club), or are currently vacant and zoned for a mix of residential, office and commercial uses. Properties to the north are zoned Corporate Office (O-2) and are occupied by public/semi-public uses or are zoned residential or agricultural and are developed as part of the Old Buckingham Forest Subdivision or as single family residences on acreage parcels. It is anticipated that development adjacent to the

existing commercial uses (Wal-Mart and Sam's Club) would provide appropriate land use transitions to these existing residential developments, as suggested by the Plan.

#### Zoning History:

On November 12, 1986, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a rezoning of a fifteen acre (15) acre tract from Agricultural (A) to Community Business (B-2) with Conditional Use Planned Development (Case 86S114) (Reference "Zoning History" map attachment). Two (2) automobile dealerships were planned. A portion of the property is incorporated into the current request. It should be noted that staff recommended the inclusion of additional surrounding property as a part of this application to assure proper land use transition and an internal access system on property bounded by Millstone Creek and Olde Coach Village Subdivisions, Midlothian Turnpike and Old Buckingham Road.

On April 22, 1987, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a rezoning of a forty (40) acre tract from Agricultural (A) to Community Business (B-2) and Office Business (O) with Conditional Use Planned Development (Case 87S010). An office/commercial complex was planned. A portion of this property is incorporated into the current request. Condition 23 of this case limited development within the B-2 portion, if located adjacent to the north and northwestern portions of the proposed loop road and beyond a depth of 350 feet from Midlothian Turnpike, to Office Business (O) uses, unless modified at the time of schematic plan review provided such uses could be adequately screened from Millstone Creek Subdivision.

On November 23, 1988, the Board of Supervisors, upon a favorable recommendation from the Planning Commission except for sign exceptions, approved a rezoning from Agricultural (A) to Office Business (O) and Community Business (B-2) with Conditional Use Planned Development on these tracts and an adjacent Community Business (B-2) tract; from Community Business (B-2) to Office Business (O) with an amendment to Cases 86S114 and 87S010 on this tract and an existing Community Business (B-2) tract; and from Agricultural (A) to Residential (R-15), for a total of 23.6 acres (Case 87S160). Three (3) automobile dealerships were planned. A portion of this property is incorporated into the current request.

On March 17, 1992, the Planning Commission approved a site plan for the development of a retail store (Wal-Mart) located west of Wal-Mart Way (Case 91PR0267). In conjunction with the approval of this request, the access road layout was amended from the design originally approved with Case 87S010.

On June 15, 1993, the Planning Commission approved an amended site plan for Wal-Mart which, in part, deleted the requirement to construct Farnham Drive Extended with the first phase of the Wal-Mart development, but rather phased with future development. (Case 93PR0232)

On April 17, 2001, the Planning Commission accepted the withdrawal of a request for site plan approval for the expansion of Wal-Mart (Case 00PR0184). Staff had recommended denial of this application due, in part, to the plan not meeting the requirements of Condition 23 of Case 87S010. Specifically, the proposed parking lot expansion was to be located beyond 350 feet north of Midlothian Turnpike, within an area restricted to uses permitted in the Office Business (O) tract unless such uses could be screened from the adjacent subdivision. Staff was concerned that the expansion of the Wal-Mart facility would not provide the appropriate land use transition to the adjacent neighborhood.

#### Site Design:

The request property lies within an Emerging Growth Area. Development of the site must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

#### Area Improvements:

A cash payment has been proffered for the purpose of mitigating the impact of the development on the area within the boundaries of the Midlothian Area Plan. (Proffered Condition 14)

#### Uses:

The applicant has identified several uses that could be potentially objectionable to area property owners and has proffered to eliminate these uses from the Light Industrial (Office Service and Stigall Properties) and the Community Commercial (Sam's Club and Wal-Mart Properties) portions of the development. (Proffered Conditions 1 and 2)

In an effort to prevent parking from encroaching beyond its existing western limits, an exception is requested to permit parking for any use within the C-3 portion of the project (Wal-Mart Property) to extend north beyond the proposed C-3 limits for a maximum of 150 feet into the I-1 (Office/Service Property) (Textual Statement).

### Architectural Treatment:

Architectural treatment of buildings, including materials, color and style, must be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

Within Emerging Growth Areas, no building exterior which would be visible to any A or R District or any public right of way may consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. There is, however, nothing to preclude the use of different materials on different building exteriors, but rather, the use of inferior materials on sides which face adjoining property. No portion of a building constructed of unadorned concrete block or corrugated and/or sheet metal may be visible from any adjoining A or R District or any public right of way. No building exterior may be constructed of unpainted concrete block or corrugated and/or sheet metal. All junction and accessory boxes must be minimized from view of adjacent property and public rights of way by landscaping or architectural treatment integrated with the building served. Mechanical equipment, whether ground-level or rooftop, must be screened from view of adjacent property and public rights of way and designed to be perceived as an integral part of the building.

The applicant has proffered that any expansion of the existing Wal-Mart building will be consistent with the architectural elevations accompanying this report (Proffered Condition 3). Further, in consideration of existing adjacent residential development to the north and east, proffered conditions limit building heights within the Office/Service and Stigall Properties to below that typically permitted in the Light Industrial (I-1) District. (Proffered Condition 4)

### Buffers and Screening:

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to an A or R District be screened from view of such district by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves and that such area within 1,000 feet of any A or R Districts not be serviced between the hours of 9:00 p.m. and 6:00 a.m.

Currently, Emerging Growth Area standards require that sites must be designed and buildings oriented so that loading areas are screened from A and R properties and from public rights of way. The I-1 properties (Office/Service and Stigall) are bound by existing or proposed public rights-of-way as well as residential and agricultural properties, which presents a challenge in meeting this building orientation requirement. As a result, the applicant has requested that for the

Office/Service and Stigall Properties, this loading area orientation requirement be waived, but the screening provisions for such loading areas remain applicable (Textual Statement).

With the approval of this request, outside storage would be permitted as a restricted use within the Community Business (C-3) portion of the request. Outside storage areas must be screened from view of adjacent properties that have no such areas and public rights of way. In addition, no more than ten (10) percent of the gross floor area of the principal use may be used for outside storage.

Properties to the west adjacent to the C-3 portion of the request (Wal-Mart Property) are zoned Residential (R-7) and are occupied by single family residences. The Zoning Ordinance requires a minimum seventy-five (75) foot buffer along the western property boundary within this C-3 portion of the request. In an effort to provide transition to these residential properties, the applicant has proffered to maintain setbacks ranging from approximately 200 to 330 feet off this western boundary for buildings, parking and driveways, as shown on the Exhibit A (Proffered Condition 5.(b)). Within this setback, landscaping will be provided in accordance with the applicant's "Western Boundary Landscape Plan", which includes a tree preservation area that protects trees exceeding four (4) inches in caliper (Proffered Conditions 8.(a)). Installation of a retaining wall will be necessary. At time of site plan review, an engineer must sign and seal the documents to insure that the wall is designed to support the plantings, fencing and guardrails behind the wall. This landscape plan may be modified at the time of site plan review if such modifications are consistent with the overall effect of the plan. Given the potential impact that such adjustments may have in providing appropriate land use transitions to the west, staff recommends that any landscaping plan adjustments be considered by the Commission through the site plan review process. This would allow greater input from the public regarding any changes.

Adjacent properties to the east of the C-3 (Sam's Club Property) are zoned Residential (R-15) and Agricultural (A) and are currently vacant. The Ordinance requires a minimum seventy-five (75) foot buffer along the eastern property boundary adjacent to these R-15 and A properties. At the time of site plan review, the Planning Commission may modify this buffer under certain circumstances. In addition, at such time that adjacent residential or agricultural property is zoned or utilized for a non-residential use, the buffer can be further reduced or eliminated.

Properties to the east and west adjacent to the I-1 portions of the request (Office/Service and Stigall Properties) are zoned Residential (R-7) and Agricultural (A) and are occupied by single family residences or are currently vacant. The Ordinance requires a minimum fifty (50) foot buffer along these property boundaries within these I-1 portions of the project. At the time of site plan review, the Planning Commission may modify these buffers under certain

circumstances. In addition, at such time that adjacent residential or agricultural property is zoned or utilized for a non-residential use, the buffer can be further reduced or eliminated. An exception is requested to reduce the building, parking and driveway setbacks adjacent this eastern boundary to a minimum of fifty (50) feet (Reference "Building Setbacks" section of this report). Therefore, it is anticipated that an exception to this eastern buffer requirement may be sought at the time of site plan review, should this setback modification be approved.

Properties along the north line of Old Buckingham Road are developed for single family residential use, with the majority of these dwellings fronting this corridor. The applicant has proffered that within twenty-five (25) feet of Old Buckingham Road, trees containing a caliper greater than four (4) inches, versus the Ordinance requirement of eight (8) inches, be retained (Proffered Condition 9). To minimize the views of the proposed light industrial development along the south line of this road from this adjacent residential development, staff recommends the establishment of a fifty (50) foot buffer along Old Buckingham Road within this light industrial property. This recommendation is typical of Ordinance requirements for buffers between adjoining light industrial and residential districts.

It should be noted that conditions of Case 87S010, as amended by Case 89SN0259, require the provision of a seventy-five (75) foot buffer around the perimeter of the adjacent Dominion Power property (Tax ID 735-709-5944) if developed for uses other than an electric substation. A portion of the proposed loop road encroaches into this potential buffer area necessitating Planning Commission approval through the site plan review process for any future O-2 or office/warehouse development on this Dominion Power Property.

#### Landscaping:

In addition to "Western Boundary Landscape Plan" discussed herein, landscape plans have also been proffered along the southern and eastern boundaries of the Wal-Mart Property ("Route 60 Boundary Landscape Plan" and the "Eastern Boundary Landscape Plan") (Proffered Conditions 7.(b) and (c)). The intent of these plans is to soften the views of the Wal-Mart building from Midlothian Turnpike. Given that these plans were generated in response to concerns expressed by both the staff and area residents relative to the visual impact of the proposed building expansion upon the Midlothian corridor, staff recommends that any landscaping plan adjustments be considered by the Commission through the site plan review process.

#### Setbacks:

The Ordinance requires that within the I-1 District, uses are to be located a minimum of 100 feet from any A or R District. The applicant is requesting an

exception to this setback as it applies to the Stigall Property. A fifty (50) foot setback is proposed from the eastern property boundary. (Textual Statement)

Proffered conditions limit the location of buildings on the Wal-Mart Property to a depth of 550 feet north of the Midlothian Turnpike right of way, as depicted on Exhibit A (Proffered Condition 5.(a). This proffer does not preclude the location of parking and drives within the Wal-Mart Property beyond this 550 foot measurement.

#### Lighting:

The applicant has addressed updating site lighting in conformance with current Ordinance standards as well as limiting the type of building-mounted light fixtures for the Walmart Property if triggered by a building expansion of more than 20,000 square feet. (Proffered Condition 6)

#### Parking Lot Cleaning:

Proffered Condition 7 limits the hours of parking lot cleaning activities. This proffer is difficult, if not impossible for staff to enforce. Therefore, it is recommended that this proffer not be accepted.

### CONCLUSIONS

The proposed zoning and land uses do not conform with the Midlothian Area Community Plan and the Northern Area Plan which suggest that the northern and eastern portions of the property are appropriate for medium density residential of 1.51 to 4.0 units per acre, while the western portion of the property is appropriate for office, medium density housing (7 to 14 units/acre), personal services and community facilities uses.

The requested setback exceptions for the Light Industrial (I-1) portion of the project in combination with minimal buffering, fail to provide appropriate land use transitions to the adjacent residential and agricultural properties the north and east that will ensure protection of the surrounding residential developments.

Given these considerations, denial of this request is recommended.

It should, however, be noted that this case, coupled with the pending cases for Poseidon (03SN0284) and William P. Sowers (03SN0245), could accomplish appropriate land use and transition while zoning and planning for the development of most of the remaining vacant property between Route 60 and Old Buckingham Road between Olde Coach Village and Millstone Creek. It would be important to address adequate buffers and setbacks adjacent to residential development and Planning Commission approval of any deviation from landscaping plans.

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## CASE HISTORY

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### Applicant (9/9/03):

Proffered Condition 14, as discussed herein, was submitted.

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### Applicant (9/15/03):

A revised Textual Statement withdrawing the setback exception along Old Buckingham Road was submitted. Also, revisions to Proffered Conditions 1, 8.(a) and 8.(c) were submitted to address concerns of Midlothian area residents. Proffered Condition 9 was amended to increase the width of the tree preservation along Old Buckingham Road and Proffered Condition 12.(h) was amended to restrict transfer of densities within the project.

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### Planning Commission Meeting (9/16/03):

The applicant did not accept staff's recommendation, but did accept the Planning Commission's recommendation.

Support was present indicating that the use provides convenient shopping locations for area residents; precludes access to Old Buckingham Road; provides substantial landscaping and monies for area improvements.

Opposition was present expressing concerns relative to some of the I-1 uses; lack of buffers along Old Buckingham Road; landscaping design; increased traffic; the need for additional time to evaluate the proposal; safety; and precedent for future area zonings which do not comply with the Plan.

Mr. Litton indicated that the applicants, together with Cases 03SN0284 (Poseidon Swimming) and 03SN0245 (William P. Sowers) offered an opportunity to zone and plan most of the remaining vacant acreage in the area with an internal road network and proper land use transitions and buffers.

Mr. Stack indicated that the proposal offered an opportunity to preclude additional development accessing Old Buckingham Road.

Mr. Cunningham indicated that a deferral may in order to allow further negotiations to resolve the minor concerns which had been expressed.

Mr. Gulley indicated that his information indicated that the Stonehenge community was not in unanimous favor of the expansion; expressed concerns relative to the lack of buffers on Old Buckingham Road; and expressed concerns that the monies proffered could not be used to mitigate the impact of the development on the Stonehenge neighborhood.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 11.

AYES: Messrs. Litton, Cunningham and Stack.

ABSTENTION: Mr. Gulley.

ABSENT: Mr. Gecker.

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The Board of Supervisors, on Wednesday, October 22, 2003, beginning at 7:00 p.m., will take under consideration this request.

**Textual Statement for Application for rezoning of  
property located on the south line of Old Buckingham Road  
owned by Wesley C. Stigall, Jr. and Jeanne L. Stigall, Raymond Wilkerson  
and Wal-Mart Real Estate Business Trust**

**July 14, 2003  
September 2, 2003  
September 15, 2003**

**Overall Description**

Approval for rezoning of a total of (i) 13.123 acres owned by Wesley C. Stigall, Jr. and Jeanne L. Stigall and designated as Chesterfield County Tax IDs 735-710-0007, 735-709-0665, 735-710-3714, and 735-710-7620 (the "Stigall Property"), (ii) 11.9 acres owned by Raymond Wilkerson and designated as Chesterfield County Tax ID's 734-709-8509 (part), 734-709-8833, and 734-709-6871 (the "Wilkerson Property") and approximately .3 acre owned by Wal-Mart Real Estate Business Trust designated as Chesterfield County Tax ID 735-708-1144 (part) (the "Wal-Mart Property") is being requested to rezone the Stigall Property and the Wilkerson Property from Agricultural to I-1 and to rezone the Wal-Mart Property from C-3 to I-1, all with a Conditional Use Planned Development to allow a modification of the permitted uses and development conditions of the I-1 District as more particularly described in this Statement. The Stigall Property, the Wilkerson Property and the Wal-Mart Property, as defined in this Statement shall be referred to collectively as the "Property".

Use Exception Requested

The portions of the Property which are located within 150 feet of property zoned C-3 may be used for parking to serve C-3 uses.

Setback Exception Requested

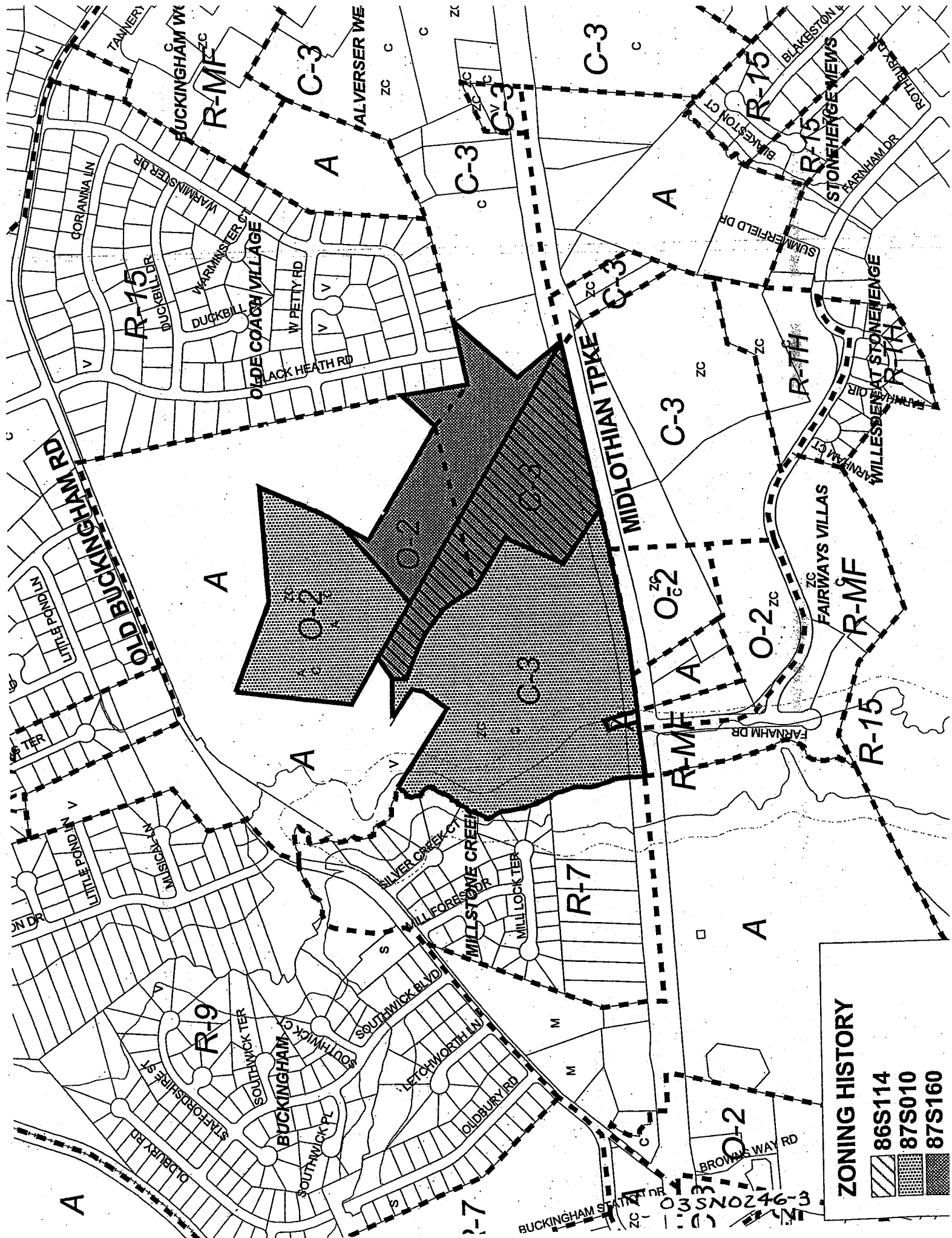
To the extent that the Property is located within 100 feet of other property zoned A, R, R-TH or R-MF, the setbacks required by Section 19-185(c) of the Zoning Ordinance as applied to the Property shall be reduced to fifty (50) feet adjacent to the eastern boundary of the Property.

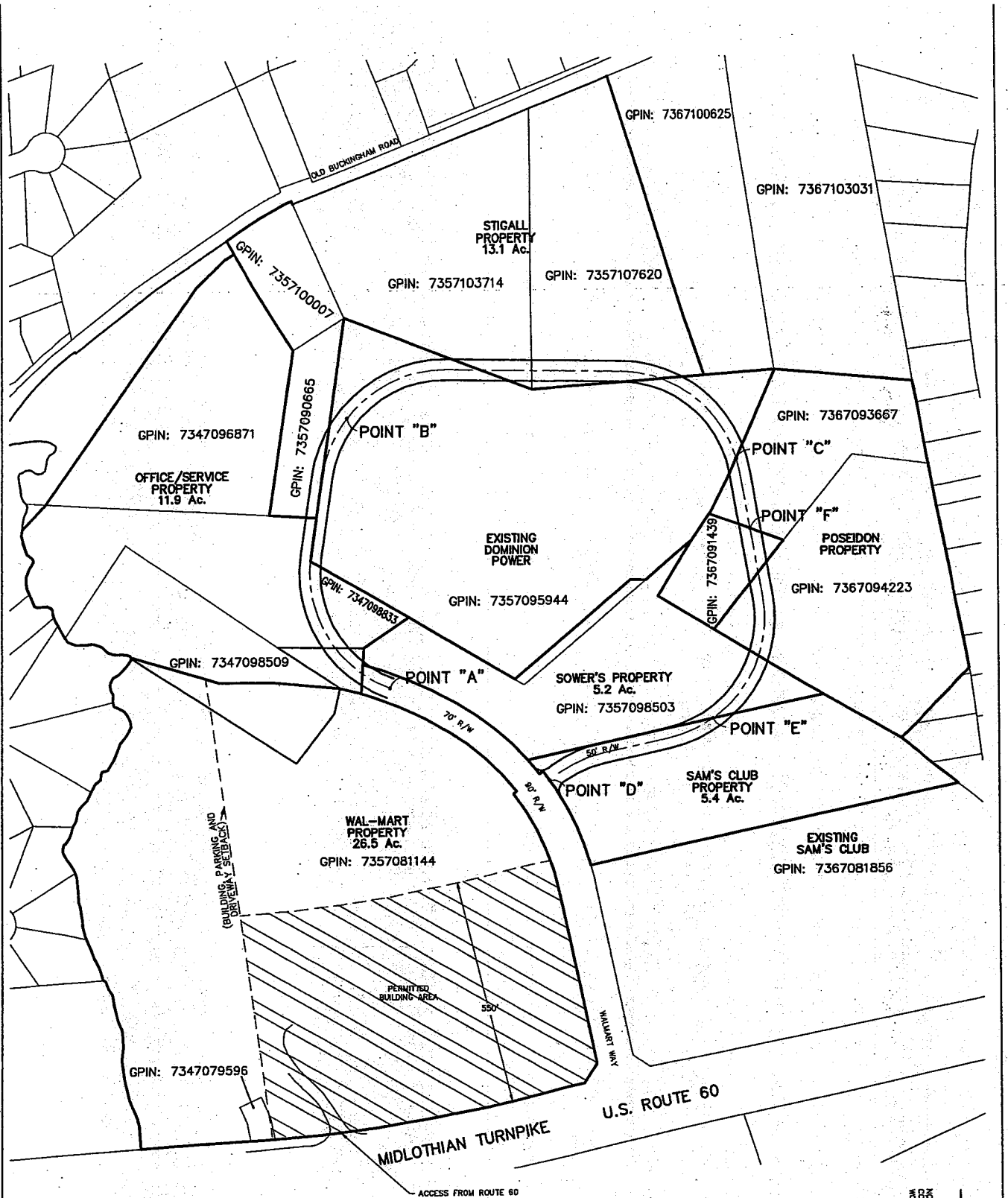
Building Orientation/Screening Exception Requested

Section 19-185(d) shall not apply to the Property but the Property shall be and remain subject to the requirements of Section 19-572 of the Zoning Ordinance.









NOTE:  
COMPILED INFORMATION, NO FIELD  
WORK HAS BEEN PERFORMED.

03SN0246-4

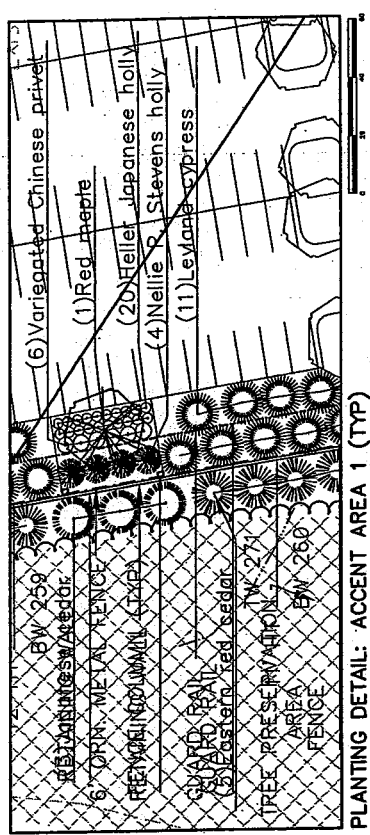
ZN1 2478 1-1-15 DATE: 10/15/15 DRAWN: KAB CHECKED: DFF DESIGNED: KAB REVISION:	<b>WAL-MART EXPANSION #1969-02</b> MIDLOTHIAN DISTRICT CHESTERFIELD COUNTY, VIRGINIA		<b>KOONTZ-BRYANT, P.C.</b> A Full Service Civil Engineering Firm 1700 NORTH PARKWAY BLVD., SUITE 202 RICHMOND, VIRGINIA 23260 (804) 740-8000 FAX (804) 740-7338 kbp@koontzbryant.com	DESIGNED: KAB DRAWN: DFF CHECKED: PPH	REVISION:
	ZONING EXHIBIT A				



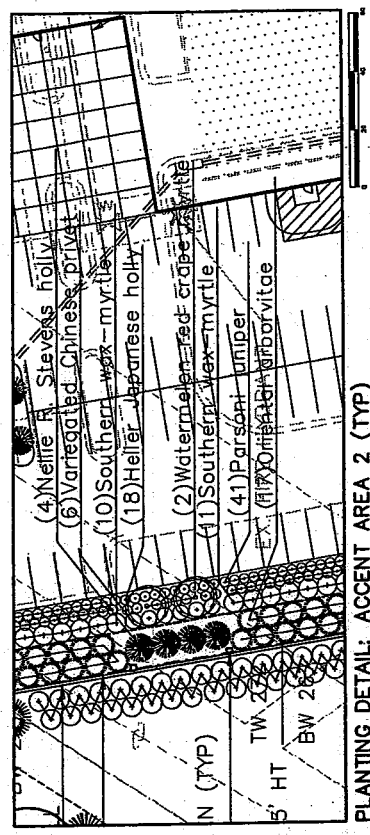
DESIGNED BY: KONTZ-BRYANT, P.C.  
CHECKED BY: KONTZ-BRYANT, P.C.  
DATE: 10/1/1998  
PROJECT: WAL-MART EXPANSION 1969-02  
SHEET: 24179

WAL-MART EXPANSION 1969-02  
CHESTERFIELD COUNTY, VIRGINIA  
MIDLOTHIAN DISTRICT  
DATE: 10/1/1998  
SHEET: 24179

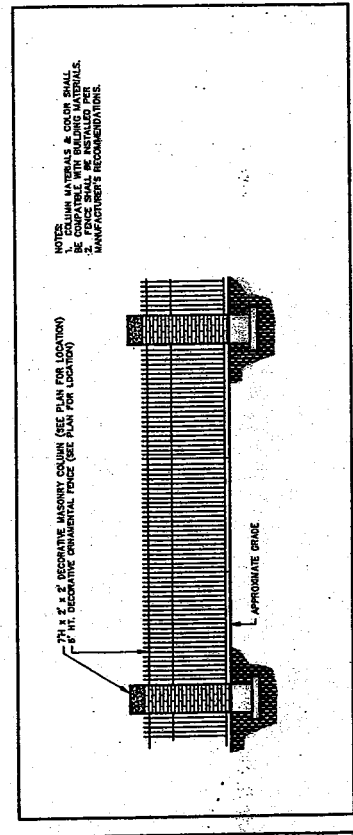
L-1



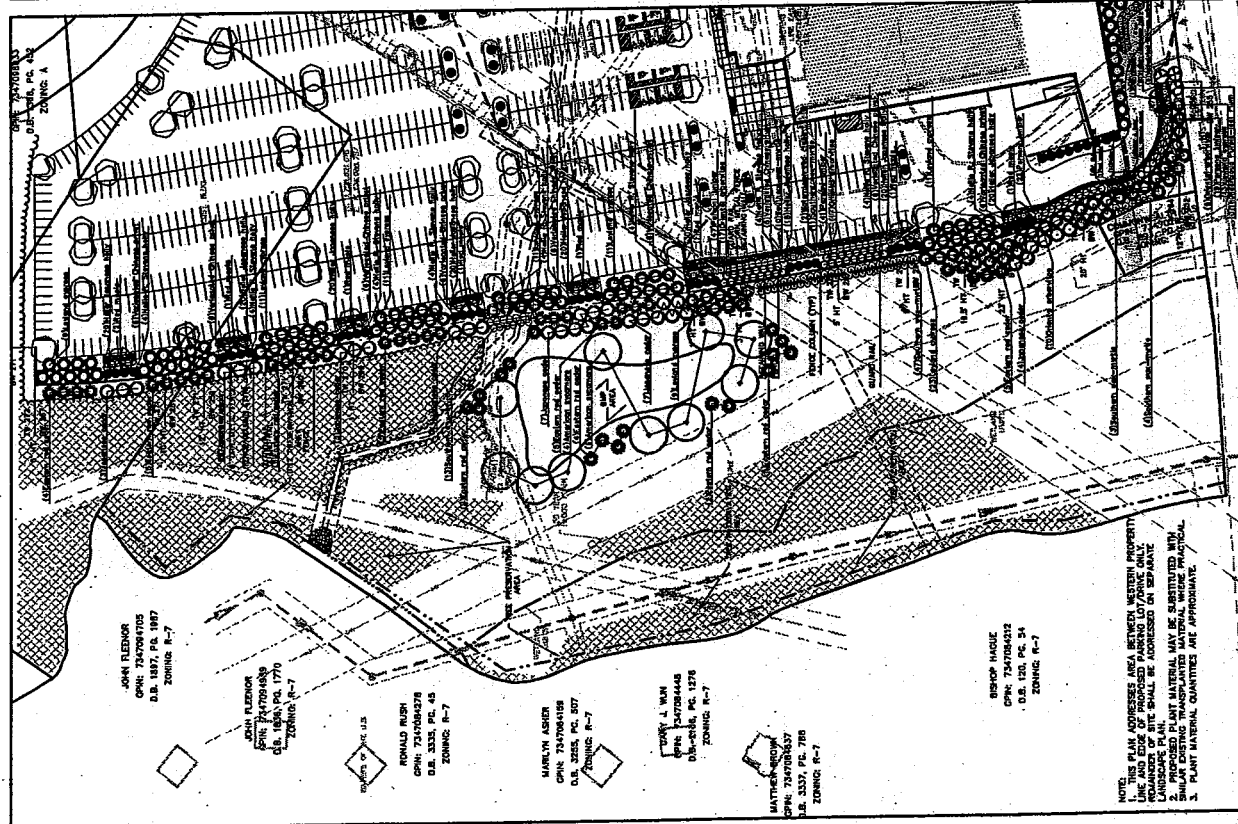
PLANTING DETAIL: ACCENT AREA 1 (TYP)



PLANTING DETAIL: ACCENT AREA 2 (TYP)



FENCE DETAIL



WESTERN BOUNDARY CONCEPTUAL LANDSCAPE PLAN

NOTE: THIS PLAN ADDRESSES AREA BETWEEN WESTERN PROPERTY LINE AND EDGE OF PROPOSED PARKING LOT. ALL PLANTINGS ARE TO BE INSTALLED WITHIN 10' OF PROPERTY LINE. PLANT MATERIAL QUANTITIES ARE APPROXIMATE.

GROUP 1  
COP: 74708445  
D.B. 125, P.C. 51  
ZONING: R-7

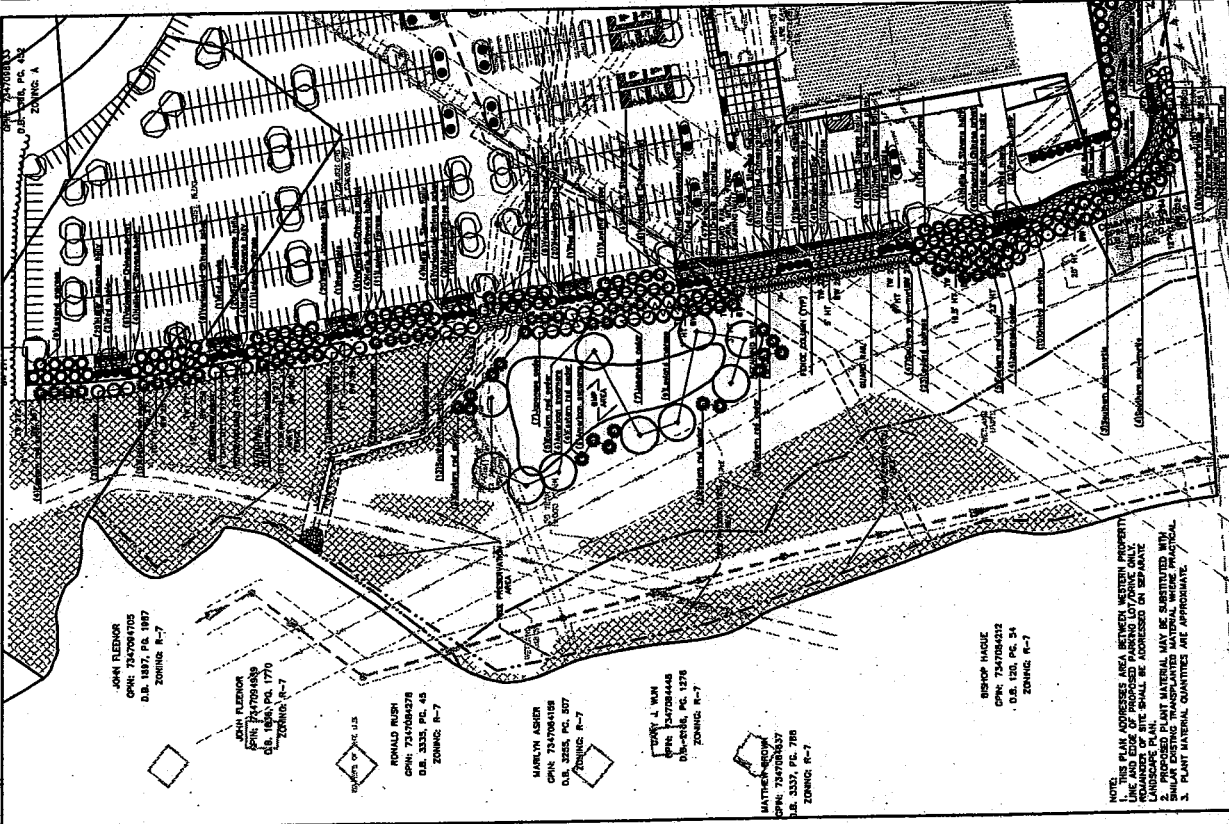
GROUP 2  
COP: 74708445  
D.B. 125, P.C. 51  
ZONING: R-7

GROUP 3  
COP: 74708445  
D.B. 125, P.C. 51  
ZONING: R-7

GROUP 4  
COP: 74708445  
D.B. 125, P.C. 51  
ZONING: R-7

GROUP 5  
COP: 74708445  
D.B. 125, P.C. 51  
ZONING: R-7

GROUP 6  
COP: 74708445  
D.B. 125, P.C. 51  
ZONING: R-7

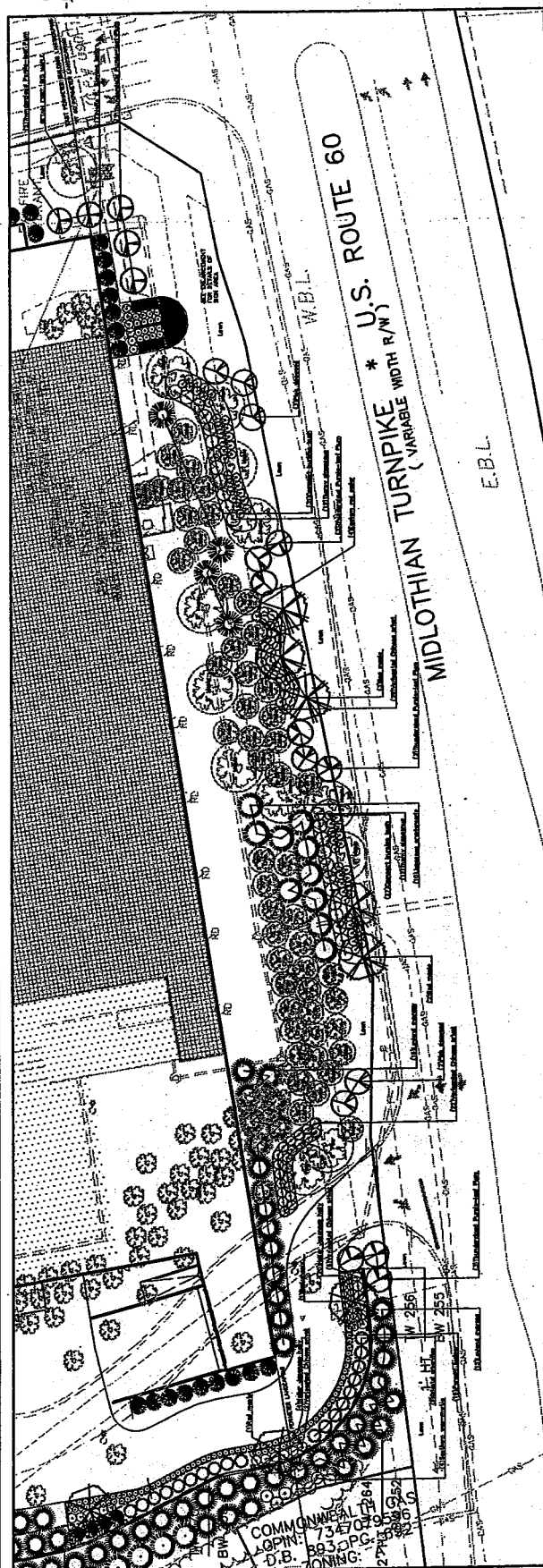


03SN0246-5



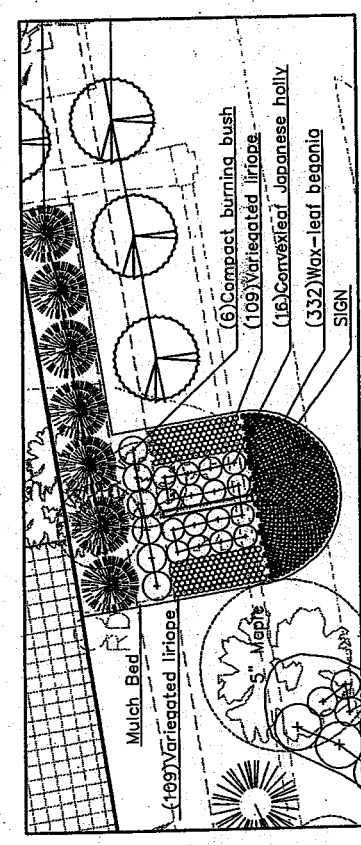
DESIGNED BY: KOONTZ-BRYANT, P.C.  
CHECKED BY: [Signature]  
DATE: 10/1/99  
SCALE: 1" = 10'  
SHEET: 2478  
PROJECT: WAL-MART EXPANSION 1999-02  
LOCATION: MIDLOTHIAN DISTRICT, CHESTERFIELD COUNTY, VIRGINIA

WAL-MART EXPANSION 1999-02  
MIDLOTHIAN DISTRICT  
CHESTERFIELD COUNTY, VIRGINIA



RT. 60 BOUNDARY CONCEPTUAL LANDSCAPE PLAN

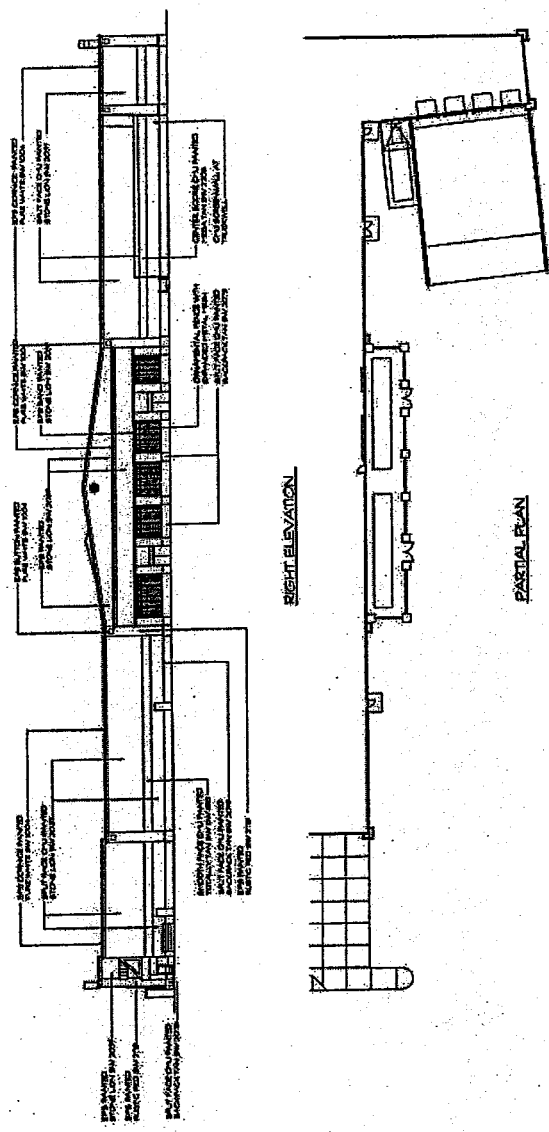
NOTE:  
1. THIS PLAN ADDRESSES AREA ALONG RT. 60 PROPERTY.  
2. THE LOCATION OF THE SIGN SHALL BE ADDRESSED ON SEPARATE LANDSCAPE PLAN.  
3. PLANT MATERIAL MAY BE SUBSTITUTED WITH SIMILAR EXISTING TRANSPARENT MATERIAL WHERE PRACTICAL.  
4. PLANT MATERIAL QUANTITIES ARE APPROXIMATE.



PLANTING DETAIL: SIGN AREA

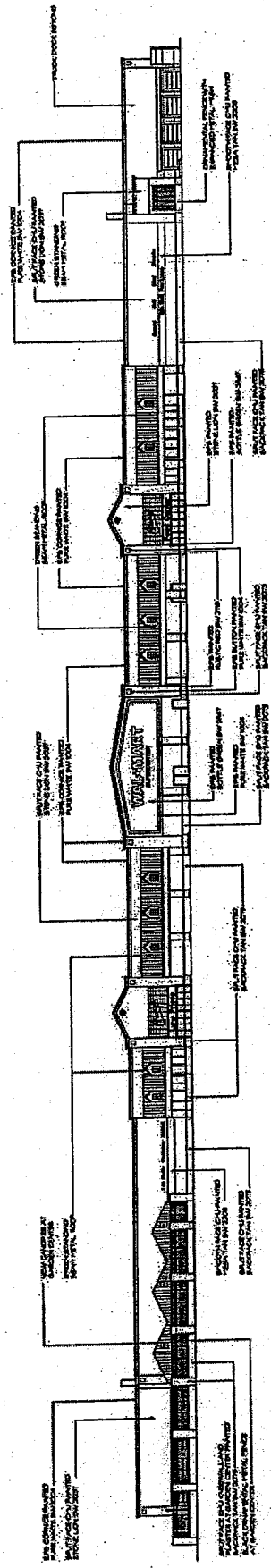
03SNO246-6





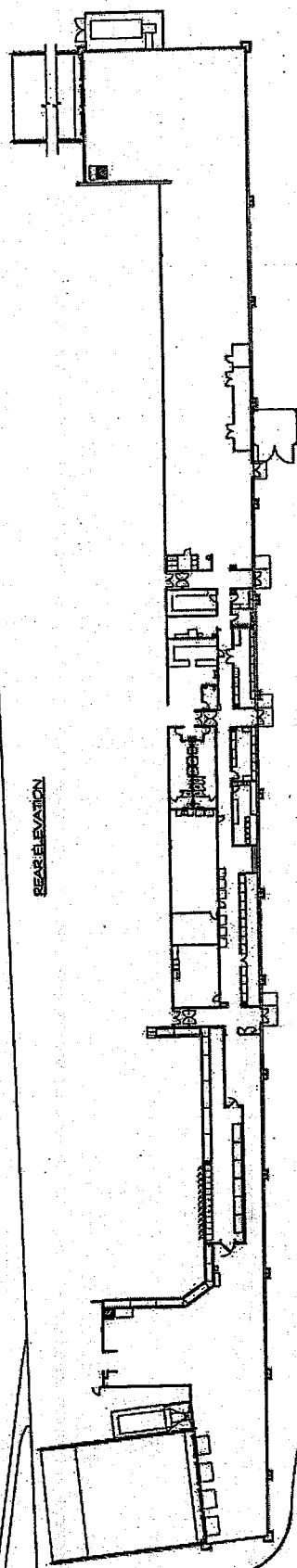
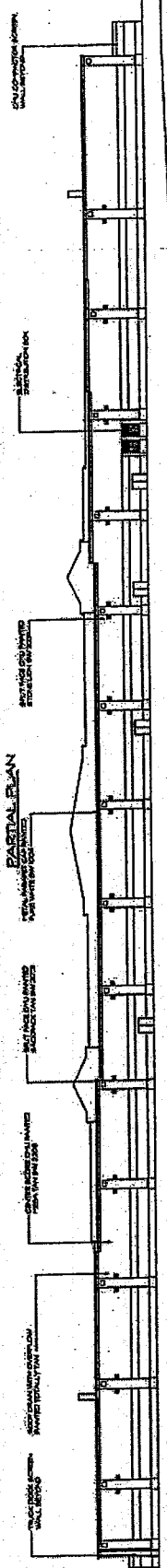
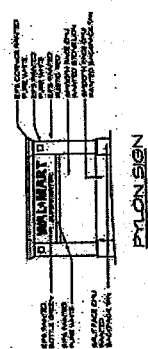
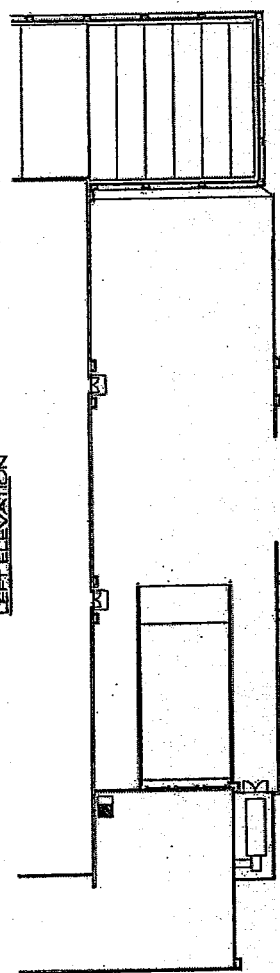
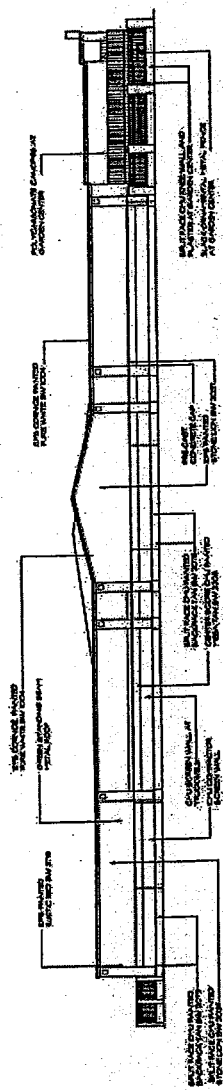
RIGHT ELEVATION

PARTIAL PLAN



**FRONT ELEVATION**

PARTIAL PLAN



**MIDLOTHIAN, VIRGINIA  
SIXTY EIGHTH EXPANSION # 1969**

PARTIAL PLAN

03SNO246-9

**PBA**  
**ARCHITECTS**  
100 EAST CHESAUT  
PO BOX 100  
LOS ANGELES, CA 90001  
TEL 213-463-3468 FAX 213-463-3468